

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Thomas A. Harris, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

**F034225      J. L. Denio, Inc. et al. v. Lumsdaine Construction, etc., et al.**  
Cause called and argued by Kenneth W. Kind, Esq., and Mark Aronson, Esq., counsel for appellant J. L. Denio, Inc. et al. and by Kirk S. Mac Donald, Esq., counsel for appellant Lumsdaine Construction, etc. et al.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Vartabedian, J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Wiseman, J.

**F033331      In re Bernard Gordon on Habeas Corpus.**  
Cause called and argued by Tim Brosnan, Esq., counsel for petitioner and by Ward A. Campbell, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Lisa J. Prosser, Senior Deputy Clerk.

**F036499      Ruiz v. J. C. Contracting et al.**  
Cause called. On May 21, 2002, the Court received a Stipulation to Dismiss the Appeal. Parties were notified the court would issue an opinion and not dismiss the appeal. Parties waived appearances. Motion to dismiss denied.

Cause ordered submitted.

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At this point Ardaiz, P.J., Vartabedian, J. and Wiseman, J. leave the bench; they are replaced by Buckley, Acting P.J. and Levy, J.

**F036114      People v. Jewell**

Parties stipulate that (1) Cornell, J., the absent assigned justice, participate in the determination of this appeal, and (2) Cornell, J. to listen to the recording of oral proceedings upon his return. Cause called and argued by Rebecca P. Jones, Esq., counsel for appellant. Janine R. Busch, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Submission deferred until Tuesday May 28, 2002 for Cornell, J. to listen to the recording of oral argument.

Court recessed until Thursday, May 23, 2002 at 10:00 A.M.

**F036770      People v. Valdivina**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

**F039395      In re Nicholas N., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039395      In re Nicholas N., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037115      People v. Clark**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F037115      People v. Clark**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037309      Finley v. City of Modesto et al.,**

The court's order is modified to provide that (1) Finley's petition for mandatory injunction is granted insofar as it directs the City to immediately and permanently remove from Finley's personnel file all documents related to the 1993 investigation, and to refrain from providing the documents to Finley's prospective employers in the future, and (2) is denied insofar as it directs the City "to comply with all provisions of Government Code sections 3300 through 3311 with respect to all applicable employees in the future..." The order is affirmed as modified. The City is awarded costs on appeal. Buckley, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038287      In re Gerald H., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F038287      In re Gerald H., a Minor**

The judgment is affirmed in part and reversed in part.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]